

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PENSION BENEFIT GUARANTY
CORPORATION,

Plaintiff,

v.

Case No. 6:19-cv-1313-Orl-37LRH

NELSON'S ENGINEERING SERVICES,
INC.,

Defendant.

ORDER

Plaintiff Pension Benefit Guaranty Corporation is a wholly owned United States government corporation established to administer the pension plan termination insurance program created by Title IV of the Employee Retirement Income Security Act of 1974 ("**ERISA**"). (Doc. 8, ¶ 5); *see also* 29 U.S.C. § 1302(a). Plaintiff filed this action against Defendant as plan administrator of the Nelson's Engineering Services, Inc. Defined Benefit Plan ("**Pension Plan**"), pursuant to Title IV of ERISA. (Doc. 1) Plaintiff seeks an Order from the Court: (1) terminating the Pension Plan; (2) appointing Plaintiff as the Pension Plan's statutory trustee; (3) establishing January 31, 2009 as the Pension Plan's effective termination date; and (4) ordering Defendant and all other persons possessing property or other assets of the Pension Plan to transfer such items to Plaintiff. (Doc. 8, ¶ 2.) Plaintiff successfully obtained an entry of default against Defendant. (Docs.

25, 27.) Now, Plaintiff seeks default judgment. (Doc. 29). On referral, U.S. Magistrate Judge Leslie R. Hoffman recommends granting the motion, entering default judgment in favor of Plaintiff and against Defendant, and giving Plaintiff the relief sought. (Doc. 30 (“**R&R**”).)

The parties did not object to the R&R, and the time for doing so has now passed. The Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding none, the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Leslie R. Hoffman’s Report and Recommendation (Doc. 30) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff Pension Benefit Guaranty Corporation’s Motion for Default Judgment (Doc. 29) is **GRANTED**.
 - a. Default Judgment is entered in favor of Plaintiff Pension Benefit Guaranty Corporation and against Defendant Nelson’s Engineering Services, Inc.;
 - b. The Pension Plan is **TERMINATED** pursuant to 29 U.S.C. § 1342(c);
 - c. January 31, 2009 is **ESTABLISHED** as the termination date pursuant to 29 U.S.C. § 1348(a)(4);
 - d. Plaintiff is **APPOINTED** as statutory trustee of the Pension Plan pursuant to 29 U.S.C. § 1342(b); and

- e. The Court **ORDERS** the Pension Plan's assets and documents, wherever located, be transferred to Plaintiff pursuant to 29 U.S.C. § 1342(d)(1)(A)(ii).
- 3. The Clerk is **DIRECTED** to:
 - a. Enter default judgment in favor of Plaintiff Pension Benefit Guaranty Corporation and against Defendant Nelson's Engineering Services, Inc.; and
 - b. Close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 26, 2020.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record